

**BUSINESS REPORT**

**MONTANA SENATE  
62nd LEGISLATURE - REGULAR SESSION**

**SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE**

**Date:** Tuesday, March 15, 2011  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 405

**BILLS and RESOLUTIONS HEARD:**

HB 401 - Revise definition of rotation area in tow truck act  
HB 523 - Generally revise the tow truck act  
HB 584 - Allow use of older license plates on motor vehicles  
HJ 17 - Resolution supporting Monchy Morgan extended-hour port

**EXECUTIVE ACTION TAKEN:**

SB 251 - Do Pass As Amended  
HB 401 - Do Concur  
HB 523 - Do Concur  
HJ 17 - Do Concur

**Comments:**

  
SEN. Llew Jones, Chair

MONTANA STATE SENATE  
ROLL CALL  
HIGHWAYS AND  
TRANSPORTATION  
COMMITTEE

DATE: 3 - 15, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Jones	X	
Vice Chair Sonju	X	
Senator Arthun	X	
Senator Blewett	X	
Senator Buttrey	X	
Senator Caferro		X
Senator Keane		X
Senator Mowbray	X	
Senator Tutvedt	X	
Senator Vuckovich	X	
Senator Wanzenried		X
Senator Zinke	X	

*12 Committee Members*



## SENATE STANDING COMMITTEE REPORT

March 15, 2011

Page 1 of 1

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Joint Resolution 17** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Llew Jones", is written over a horizontal line.

*Senator Llew Jones, Chair*

To be carried by Senator Ryan Zinke

- END -

**Committee Vote:**

**Yes 8, No 0**

Fiscal Note Required ☐

HJ0017001SC06491.sdr

Handwritten initials, possibly "DL", in dark ink, located in the bottom right corner of the page.



## SENATE STANDING COMMITTEE REPORT

March 15, 2011

Page 1 of 1

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 523** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Llew Jones", is written over a horizontal line.

*Senator Llew Jones, Chair*

To be carried by Senator Edward Buttrey

- END -

**Committee Vote:**

**Yes 8, No 0**

Fiscal Note Required ☐

HB0523001SC08055.sdr

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## SENATE STANDING COMMITTEE REPORT

March 15, 2011

Page 1 of 1

Mr. President:

We, your committee on **Highways and Transportation** recommend that **House Bill 401** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Llew Jones", is written over a horizontal line.

*Senator Llew Jones, Chair*

To be carried by Senator Edward Buttrey

- END -

**Committee Vote:**

**Yes 8, No 0**

Fiscal Note Required ☐

HB0401001SC08055.sdr

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## SENATE STANDING COMMITTEE REPORT

March 15, 2011

Page 1 of 2

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 251**

(second reading copy -- yellow) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Llew Jones, Chair*

**And, that such amendments read:**

1. Title, page 1, line 5.

**Following:** "DEVICES"

**Insert:** "TO WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION"

2. Page 1, line 10 through page 3, line 17.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. **Section 1. Use of mobile electronic device by motor vehicle operators prohibited.** (1) A person may not operate a motor vehicle while using a mobile electronic device to write, send, or read a text-based communication.

(2) For the purposes of this section, a person is not considered to be writing, sending, or reading a text-based communication if the person reads, selects, or enters a telephone number or name in a mobile electronic device for the purpose of making or receiving a telephone call.

(3) The provisions of this section may not be construed as authorizing the seizure or forfeiture of a mobile electronic device unless otherwise provided by law.

(4) A person who violates subsection (1) shall be fined not more than \$100. A violation of this section may not be recorded or charged against a driver's record, points may not be assessed against the driver's record pursuant to 61-11-203, and an insurance company may not hold a violation of this section against the insured.

(5) An operator of a motor vehicle who commits a moving violation, as defined in 61-11-203, while writing, sending, or reading a text-based communication shall be fined \$100 in

**Committee Vote:**

**Yes 8, No 4**

Fiscal Note Required ☐

*DR*

addition to any penalty or fine imposed for the moving violation.

(6) This section does not apply to an emergency services provider, as defined in 50-16-701, using a mobile electronic device while operating an authorized emergency vehicle in the course and scope of the provider's duties.

(7) (a) As used in this section, "write, send, or read a text-based communication" means using a mobile electronic device to communicate manually with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.

(b) The term does not include the use of a global positioning or navigation system."

- END -

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**HIGHWAYS AND TRANSPORTATION COMMITTEE**

DATE: 3-16-11 BILL NO SB 251 AMEND. NO. \_\_\_\_\_ MOTION NO. \_\_\_\_\_  
 MOTION: Do Pass AS Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Arthun		X	
Senator Blewett	X		
Senator Buttrey		X	
Senator Caferro	X		X
Senator Keane	X		
Senator Mowbray	X		
Senator Tutvedt		X	X
Senator Vuckovich	X		
Senator Wanzenried	X		X
Senator Zinke		X	
Vice Chair Sonju	X		X
Chairman Jones	X		

12 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 8 No: 4



**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Jon Sonju , request to be excused from the

**Highways and Transportation COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

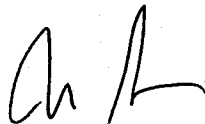
Sen. Jones

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 251	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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BILL/AMENDMENT	AYE	NO
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Sen. \_\_\_\_\_



(Signature)

Date \_\_\_\_\_

3-15-2011

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I request to be excused from Tourism and Arts committee  
because of other commitments. I desire to leave my proxy vote with:

Jim Keane

Indicate Bill number and your vote Aye or No. If there are amendments,  
list them by name and number under the bill and indicate a separate vote  
for each amendment.

BILL/AMENDMENT                      AYE      NO

251	X	

BILL/AMENDMENT                      AYE      NO


Sen. WATZOWSKI  
(Signature)

Date 3-15-2011

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I request to be excused from Transportation Committee because of other commitments. I desire to leave my proxy vote with:

Jim Keane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

[illegible][illegible]

Sen. Mary M. Cebeno  
(Signature)

Date 3-15-2011

**SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE**

**Sponsor: Representative Robert (Bob) Mehlhoff**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE**

**Tuesday, March 15, 2011**

**HB 523 - Generally revise the tow truck act**

**Sponsor: Representative Elsie Arntzen**

**PLEASE PRINT**

Name	Representing	Support	Oppose
GARY Becker	Montana Highway Patrol	x	
Kelley Hubbard	Dept. of Justice	X	
Bob Gilbert	MT Tow Trucks Assn	0	
Tim Dusenberry	MTTA	x	
Tom Ruschke	MTTA	X	
James Adkins	MTTA	X	
Scott Wouff	MTA	x	
Dennis Frownfelten	MTTA	x	
TERRY MORRISON	MTTA	X	
Jay Blanchard	MTTA	x	
Lee Hackman	MTTA / Gilbays Towing	x	
CARL HALCRO	MTTA (CARL'S AUTOCARE)	x	
Andrew J Leann	MTTA	x	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE**

**Sponsor: Representative Elsie Arntzen**

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

**Sponsor: Representative Wayne Stahl**

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**